

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1410 of 2024

Arising Out of PS. Case No.-366 Year-2023 Thana- MURLIGANJ District- Madhepura

1. Wakil Rishidev Son of Late Raghuni Rishidev Resident of Village- Chamgrah, Police Station- Murliganj, Dist.- Madhepura
2. Arvind Rishidev Sonof Wakil Rishidev Resident of Village- Chamgrah, Police Station- Murliganj, Dist.- Madhepura
3. Sudhakar Kumar Son of Wakil Rishidev Resident of Village- Chamgrah, Police Station- Murliganj, Dist.- Madhepura
4. Diwakar Kumar Son of Wakil Rishidev Resident of Village- Chamgrah, Police Station- Murliganj, Dist.- Madhepura

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Gunjan Devi Wife of Arjun Rishidev Resident of Village- Chamgarh, Ward No. 7, P.S.- Murliganj, district- Madhepura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Uday Chand Prasad, Adv. Mr. Manoj Kumar, Adv. Ms. Pooja Prasad, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 13-11-2024 Heard learned counsel for the appellants and learned Spl. P.P. for the State. However, learned counsel for the respondent no. 2 is not present despite notice is validly served upon the respondent no. 2.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes against the refusal of prayer for anticipatory bail vide order dated 11.12.2023 passed by the learned Additional Sessions Judge 1st cum- Special Judge,



Madhepura in connection with A.B.P. No. 1664 of 2023 arising out of Murliganj P.S. Case No. 366 of 2023 registered for the alleged offences under Sections 302, 120B read with Section 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act.

3. As per the prosecution case, the appellants and the co-accused persons are alleged to have come to the shop of the informant and abused the informant's husband by calling his cast name. The villagers gathered at the site of the altercation and in the meantime, on the instruction of the appellant Wakil Rishidev, the co-accused *Pandav Yadav* along with his associate opened fire on the informant's husband which hit his chest. Thereafter, the injured was taken to the hospital where he succumbed to his injury during the course of treatment.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. The specific allegation of firing is against the co-accused Pandav Yadav rather the allegation against the appellants is general and omnibus. There is no allegation of abusing against the appellants and hence, no offence under provisions of SC/ST Act is made out against the appellants. The appellants have no



criminal antecedent.

5. Learned Spl. P.P. for the State has opposed the prayer for anticipatory bail of the appellants and submitted that on the instruction of the appellant Wakil Rishidev, the co-accused *Pandav Yadav* along with his associate opened fire on the informant's husband due to which the informant's husband died.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellants, the impugned order dated 11.12.2023 passed by the learned Additional Sessions Judge 1st cum- Special Judge, Madhepura in connection with A.B.P. No. 1664 of 2023 arising out of Murliganj P.S. Case No. 366 of 2023, is set aside against the appellants no. 2 to 4. The criminal appeal is allowed with respect to appellants nos. 2 to 4.

7. Accordingly, the above named appellant nos. 2 to 4, in the event of their arrest/ surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st cum- Special Judge, Madhepura in connection with



Murliganj P.S. Case No. 366 of 2023, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

8. So far as, the appellant no.1 namely, Wakil Rishidev is concerned, considering the specific nature of allegation made against him in the F.I.R., I am of the view that no case for grant of anticipatory bail is made out and the same is rejected with direction to the appellant no.1 namely, Wakil Rishidev to surrender before the concerned Court below within six weeks from the date of this order and the learned Court below shall consider his prayer for regular bail in accordance with law without being prejudiced by this order.

9. Accordingly, the application regarding appellant no. 1 namely, Wakil Rishidev stands rejected.

(Chandra Prakash Singh, J)

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